

CITY OF MUSKEGON  
**MUSKEGON HOUSING BOARD OF APPEALS**  
MEETING MINUTES  
June 5, 2014  
5:30 PM

Chairman G. Borgman called the meeting to order.

ATTENDANCE: G. Borgman, K. Kolberg, R. Mackie, B. Turnquist, W. Krick, B. Arthur

ABSENT: E. Simmons, excused

STAFF: H. Mitchell; D. Renkenberger; Chief J. Lewis; K. Briggs, SAFEbuilt

OTHERS: M. VanSlooten, 2231 Blodgett; B. Daniels, 944 E. Sexton Rd.

**MEETING MINUTES:**

A motion to approve the regular meeting minutes of May 1, 2014 was made by R. Mackie, supported by E. Simmons and approved with G. Borgman abstaining.

**OLD BUSINESS:**

**EN110191 – 1357 7<sup>th</sup> Street Julie Spencer, 1085 1<sup>st</sup> Apt. 2, Muskegon, MI 49440.**

(Update). Ms. Spencer was not present at the meeting but had turned in a letter to staff, addressed to the board. It stated that she had not made any progress since the last meeting, and requested another month's extension. G. Borgman asked if the taxes were up-to-date. H. Mitchell stated that they were. K. Murar stated that there had been no recent work done on the property, and the electrical and mechanical permits had expired. G. Borgman asked what staff's recommendation was. K. Murar estimated that the home needed \$30,000 to \$40,000 worth of work.

A motion to table this case until the June meeting was made by B. Arthur, supported by R. Mackie and unanimously approved.

**EN140063 – 1747 7<sup>TH</sup> Street VanSlooten Tree Farms Inc., 870 Jefferson Street, Muskegon, MI 49440.**

(Tabled from April meeting). A Notice & Order was sent for this property on February 18, 2014. The owner then contacted SAFEbuilt for an inspection that was performed March 31, 2014 by Kirk Briggs, Building Official with SAFEbuilt. The owner was sent a list of defects that needed to be repaired. At the time of this staff report, no permits had been obtained. The 2011 taxes were redeemed on March 28, 2014 with the 2012 & 2013 taxes still being delinquent. The City's defect list that was attached to the Notice & Order was from February 4, 2014, and stated that the "roof is completely caved in for a large portion of the building". A picture of the exterior of the building showing the damaged roof was attached. Additional photos were supplied by

K. Briggs.

Kirk Briggs's inspection report from March 31, 2014 contained the following information: a) This building has partly collapsed and is in very bad disrepair. The roof is bad and the building is badly water damaged with rotten wood. I talked to the owner Mr. VanSlooten. He bought the building cheap a few years ago and is using it for storage. He intends to repair it sometime. He is 87 years old. He would not let me go into other parts of the building, stating it was too dangerous; b) This will need new framing; c) New wood trusses and rafters; d) New floor joists; e) New floor sheeting, f) New roof sheeting and roofing, g) New brick work, h) New windows, i) Will need new insulation and drywall, j) The fire sprinkler is not working and has been removed from most of the building, k) This will need all new wiring and plumbing and heating, and l) The north part of the building collapsed a few years ago and there is litter in the lot yet.

K. Murar stated that there have been no permits issued for repairs or demolition for this structure. He stated that the building was being used for storage, and therefore, a fire suppression system was required. Since the building does not have one, it is currently in violation of City code. J. Lewis concurred, stating that it was an eyesore. G. Borgman asked W. VanSlooten what his plans for the building were. W. VanSlooten stated that he planned to clean up the area, and that he had attempted to get a permit in the past. K. Murar stated that was some time ago, when the City still had a Building Inspection Department. There had been nothing received since SAFEbuilt was contracted to run the permitting program. J. Lewis asked what communication SAFEbuilt had with the owner. K. Murar stated that the owner had been informed that the building must be demolished, or engineered plans must be presented. The roof collapsed in the winter of 2010-2011, and SAFEbuilt was not involved at that time. W. VanSlooten stated that he had been waiting to hear back from the City. B. Arthur asked if he had proof of any of the previous communications with the City, or engineered plans for building repairs. W. VanSlooten stated that he did not. J. Lewis stated that enforcement action on this structure was starting over from the time that SAFEbuilt became involved. He explained the actions taken to date, and stated that the City has been clear on what was required for this building. B. Arthur asked W. VanSlooten if he planned to repair the structure. W. VanSlooten stated that he couldn't repair it; he was going to have a one-story building instead of a two-story. K. Murar stated that the section of roof that collapsed was not the only problem. It needed an entire roof system and fire suppression. He stated that a repair permit would not be issued without an engineered set of plans being provided. K. Murar also stated that the building owner needed to provide a timeline for completion of repairs.

K. Briggs arrived at 5:50 p.m.

A motion to table this case until the June meeting to allow Mr. VanSlooten to meet with SAFEbuilt staff to come up with a plan for the building was made by W. Krick and supported by B. Turnquist, with discussion continuing. W. VanSlooten stated that he had been unable to get a permit in the past. G. Borgman stated that earlier permits obtained from the City were not relevant at this time, and he needed to communicate

with SAFEbuilt to come up with a plan. W. VanSlooten asked if he would need an asbestos permit. K. Murar stated that was a DEQ issue. W. VanSlooten stated that he was going to get certified for asbestos work. K. Murar advised him to include that in his plan.

A roll call was taken on the motion to table the case until June, was unanimously approved.

## **APPEAL – PROPERTY MAINTENANCE CODE**

**CR140395 – Glen Oaks Apartments. Rental Inspection Defects – Multiple locations.** Glen Oaks submitted a request for an appeal regarding the requirement that GFI outlets be placed in multiple locations of their buildings. Chapter 10 of the Code of Ordinances, section 10-403 electrical standards, states, “All dwelling structures shall be supplied with electrical power. All supplied electrical equipment, including wiring and applications, shall be installed in a safe condition. All existing wiring systems, though not complying totally with current standards, shall be deemed to meet the requirements of this article if the conditions do not create a safety or fire hazard and otherwise meet the requirements of this section. All permanent equipment shall be properly installed and operative.” According to the inspector, “GFI’s are for the safety of the tenants in areas of dampness and sinks; they greatly reduce the chance of electrical shock. They have been required in new construction for many years. The ordinance is not asking for the existing building to meet today’s code - Section 0371 of the housing code states ‘GFI receptacles required within 6’ of water, sinks, tubs or laundry tubs’”. Other large apartment complexes in the City, including Barclay Townhouses, Barclay Senior Village and Barclay Village have already complied with the GFI requirement, and Carriage House is working on compliance.

K. Murar stated that this was the first inspection done at Glen Oaks since 2000, and he had written up a report requiring the GFI outlets within 6 feet of various water sources. S. McDonald stated that Glen Oaks management felt that the current outlets were sufficient. She stated that they had received no reports of injury or property damage from electrical outlets at Glen Oaks or any of the other facilities they owned. She also stated that no other municipalities she dealt with have this requirement. She believed that there was not a reasonable likelihood of injury, and stated that the cost estimate for the repairs would be over \$35,000. She asked that the board allow Glen Oaks to continue as they currently were.

K. Murar stated that the GFI requirement was not a national code, it was a City code. He stated that the national code was more strict. He stated that someone getting a shock from an outlet would not necessarily cause the person to file a report with the complex manager. Compliance with the new electrical code was not being required, just the City ordinance. B. Turnquist asked what precipitated the inspection. K. Murar stated that all rental units were supposed to be inspected every 4 years. W. Krick stated that he had rental units, and that the GFI outlets were an important safety requirement. K. Murar stated that SAFEbuilt has been working with other large

apartment complexes in the City, and that they were not charging a permit fee for each GFI outlet. E. Simmons asked if there were other defects on the inspection list. K. Murar stated that there were only a few minor things and overall, the units were in very good shape. G. Borgman stated that he was not comfortable overruling the City ordinance. S. McDonald asked if they could be allowed to install the GFI's during the redecorating process as units become vacant by their maintenance workers. G. Borgman stated that could be discussed with SAFEbuilt staff. K. Murar stated that the work must be done by a licensed electrician, not the maintenance staff.

A motion that the Housing Board of Appeals deny the request to overrule the City ordinance and inspection requirement regarding GFI outlets was made by W. Krick, supported by R. Mackie and unanimously approved.

### **DANGEROUS BUILDING:**

**EN130264 – 254 Monroe Avenue – Chez-Moi Bridge Center, 390 W. Muskegon Avenue, Muskegon, MI 49440.** A Notice & Order went out on March 19, 2014. The owner contacted SAFEbuilt for a trades inspection, which was performed on April 3, 2014. Suleyman Cotal purchased this property from the County Treasurer in August of 2013, but the County did not disclose that this home was on the City's dangerous building list. Mr. Cotal asked staff if he could deed the home to someone else. H. Mitchell explained that he could, but he would need to disclose that it had been deemed a dangerous building. An ownership transfer would not stop that process. Since finding the Quit Claim Deed that was registered, staff sent a letter to the new owner on April 23, 2014 with a copy of the letter for the HBA meeting. The home had also been posted, and a list of defects was included with the letter. Property taxes are paid in full.

T. Williams was the new owner of this building, and he stated that he was not informed that the structure was in the dangerous building process. He had spoken to K. Briggs, who gave him an estimate of repair costs, which is more than he is able to do. G. Borgman asked what he intended to do with the property. T. Williams stated that his original intention was to fix the house up, but after seeing the estimated costs, he doesn't think he can afford to do that, nor can he afford to have the place demolished. K. Murar stated that all mechanicals in the house are gone, and the roof is near collapse. The floors are weak and there is a lot of rot. He stated that just painting the exterior would be a waste of money, as there were serious structural issues. K. Murar asked T. Williams if the previous owner, Mr. Cotal, had informed him of the problems. T. Williams stated that he had not; he had merely quit-claimed the property to him.

A motion to declare the structure substandard, dangerous and a public nuisance was made by R. Mackie, seconded by W. Krick, and unanimously approved.

J. Lewis requested that the board hear case EN140138 regarding 1153 Pine Street next because the owner was present.

**EN140138 – 1153 Pine Street – Brenda Daniels, 944 E Sextant Rd, Muskegon, MI**

**49441.** A Notice & Order was sent on March 19, 2014. SAFEbuilt was contacted and an initial Pre-Permit Inspection was done on April 7, 2014. The owner had contacted staff regarding the letter for the HBA meeting, and asked if she would need to attend if she started obtaining permits to do the work. She was advised to contact Kirk at SAFEbuilt before the meeting if possible, to try to work out a timeline for doing the repairs. She was advised that she should still attend the meeting however, especially if her intent is to fix the property. Otherwise, it could end up being declared as a dangerous building. The 2013 property taxes are delinquent.

B. Daniels indicated that she would like to keep the house and do the necessary repairs, but she needed time. B. Turnquist asked if she was going to rent the house out or live there. B. Daniels stated that she planned to live there. B. Turnquist asked how much time she thought she would need. B. Daniels stated that she would need 12 months to get it finished. K. Murar stated that the house was structurally sound, and suggested that she start working on the exterior of the house to make it look better. G. Borgman suggested that Ms. Daniels work with SAFEbuilt to come up with a timeline to do the repairs. J. Lewis stated that he would like to see the delinquent taxes paid up before the June meeting.

A motion to table the request until the next meeting to allow Ms. Daniels time to work on a timeline for repairs and to provide proof to Kirk at SAFEbuilt that the delinquent taxes have been made so Kirk could update the members at the next meeting, was made by W. Krick, seconded by K. Kolberg and unanimously approved.

**EN140056 – 30 East Clay Avenue – David Holst, P.O. Box 151, Grandville, MI 49468.** A Notice & Order was sent on February 18, 2014. The owner contacted SAFEbuilt to schedule an inspection for March 31, 2014. At the time of this staff report, the property owners had not applied for permits to do any work there. Taxes are current.

The owner was not present at the meeting. K. Murar stated that the building was not being maintained and it had no fire suppression system. It was being used for storage. The foundation on the northeast side was getting washed out, bricks were deteriorating, windows were broken out, and there were a lot of extension cords being used inside. H. Mitchell distributed additional photos of the building showing areas needing repair. W. Krick asked what the owner was using the building for. K. Murar stated that it was being used for overflow storage from another business belonging to the owner.

A motion to declare the structure substandard, dangerous and a public nuisance was made by E. Simmons, seconded by R. Mackie, and unanimously approved.

**EN140070 – 1245 Fleming Avenue (garage only) – Harbour Portfolio VI LP, 8214 Westchester Ste. 635, Dallas, TX 75225.** A Notice & Order was sent on March 19, 2014. The owner did not contact SAFEbuilt for an inspection. Someone from Harbour Portfolio did send in a letter saying she wanted to appeal the decision that they have to take care of the garage. They purchase properties to sell them to people that will fix

them as they do not rehab & flip them. The taxes are delinquent and it appears this property is being foreclosed on by the County Treasurer. Staff had received a complaint from a neighbor regarding the garage. Ken Murar went out to double check that the garage is the only structure that appears to fall under the dangerous building criteria. At this time the house appeared to be okay.

Additional pictures of the garage were provided to the board. It has deteriorated further. K. Murar stated that the house was okay for now, but probably not for much longer.

A motion to declare the structure substandard, dangerous and a public nuisance was made by R. Mackie, seconded by W. Krick, and unanimously approved.

W. Krick asked about the possibility of placing a mechanics lien on other properties owned by the same owner as the dangerous building, in hopes of being able to recoup the City's demolition costs. J. Lewis stated that he would check with the City Attorney.

**Other:**

K. Kolberg stated that the former Bluffton School property was a mess and needed to be cleaned up.

The meeting was adjourned at 6:33 p.m.